



**MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION**

Thursday, September 21, 2017

GILA COUNTY BOARD OF SUPERVISORS HEARING ROOM

1400 East Ash Street, Globe, AZ

10:00 AM

REGULAR MEETING

1. The meeting was called to order at 10:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Randy Slapnicka.
3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Payson), Mary Lou Myers (in Payson), Travis Holder (in Globe), Terry Otts (in Globe), and Bill Marshall (in Globe), Randy Slapnicka (in Payson). Lori Brown is absent. A quorum is present.

Community Development Staff Members Present: Scott Buzan-Director, Robert Gould-Planner and Therese Berumen-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on August 17, 2017. Mickie Nye asked if there were any changes needed. Mary Lou Myers motioned that the minutes be approved as recorded and Bill Marshall seconded the motion. It was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Scott Buzan welcomed back Robert Gould, as Community Development's part-time Planner. He stated that he would be working Tuesday and Thursdays, for a full 8 hours. He will be taking over the duties as our planner and with his 30 years of experience, I am thrilled to have him back. Scott Buzan also stated that a chief building official has been hired and will be starting on September 25, 2017. Mickie Nye asked where he would be housed and Scott Buzan stated that he would be in the Payson office. Robert Gould reminded the commission that there are still 2 vacancies on the commission, in district 1 and in district 3. Also stating that the vacancy in district 1 can be filled by an appointee either in the incorporated or unincorporated area of Gila County, but the vacancy in district 3 can only be filled in the unincorporated area. Robert Gould also stated that after looking over the minutes from the previous meeting, that there was a discussion on noise control and that the Commission had asked us to look into the possibility of some additional noise controls. Two issues that were brought up were the noise from the "Jake Braking" and just noise in the general area, mostly from businesses running at

night. At the current time, we really don't identify any noise in any specificity, in our zoning ordinance, as to what constitutes a nuisance. We do consider noise a nuisance and have applied FAA standards, which state anything that exceeds 65 decibels a minute is considered too loud in a residential area. I think for us to develop regulations not allowing people to use "Jake brakes" would do more harm to the overall economy, than it would helping us with noise. Possibly someone in the Sherriff's office could deal with that issue. My personal opinion is that adopting regulations for "Jake brakes" may not be appropriate. Mickie Nye asked if this would be open for conversation and when. Robert Gould stated that he would be more than happy to collect more information and data and bring back for a future meeting; if that is something the Commission is interested in. Mickie Nye stated that he would be interested in that conversation. Randy Slapnicka asked how this came about. Mickie Nye stated that there was a public speaker, that attended the last meeting that brought up noise from a local business in Pine, AZ and "Jake braking". It wasn't on the agenda, but was part of the call to public section, where individuals could speak about their concerns. The Commission asked the staff to gather some information on this and get back to us. Randy Slapnicka asked if the Commission was putting regulations in places where they can't enforce it. Robert Gould stated that a noise study was done in the area of the Pine Ice Company in Pine because of a complaint from a neighbor. The neighbor wasn't happy with the results, but the decibel readings were between 42 and 45, which really doesn't constitute a lot of noise. Terry Otts stated that, in his opinion, it isn't even just the "Jake braking" or the engine noise; it is also the big tires on a lot of these 4-wheel drive trucks. They are extremely loud. If you look at this as a whole, I think we may just be opening up something that is out of our paygrade. Bill Marshall stated that he agreed 100% and by looking at it as a whole, you have to incorporate the fact that when you get a group of motorcycles coming through town that are louder than any "Jake brake". Also, a lot of private trucks have "Jake brakes". I have one on my truck and use it all the time when I am traveling. I think if we try and regulate this, we would be getting into something that we don't want to get into. Robert Gould stated that he thought the Town of Payson had a sign as you come into town, stating no "Jake breaks". I am not sure how that is enforced, but I know it isn't a planning and zoning enforcement issue. Mary Lou Myers stated that one of the issues located in the Pine area, that has always been there and will probably always be there, is the speed limit coming down from Strawberry. It is 50 MPH and then changes abruptly to 35 MPH. In my opinion, the speed limit should be changed from 50 MPH to 40 MPH. Though, that is an ADOT issue. Randy Slapnicka stated that we are a code compliant county, not a code enforcement county. We don't have the resources to chase these people down. Randy Slapnicka also stated that maybe the residents need to get a petition together and bring it to ADOT, to get that speed limit changed. Mickie Nye agreed and said bringing that before the Board of Supervisors would have more clout than bringing it before the Planning and Zoning Commission. It was agreed between Robert Gould and the Commission that any further discussion concerning a noise ordinance would not be brought back before the Commission.

Public Hearing:

6. **CPA-17-02 Gila County:** An application to amend the Gila County Comprehensive Plan, by amending the narrative portion of the Plan for Pine-Strawberry, Arizona. The proposed amendment will provide updated data on the Pine-Strawberry area and provide guidance to the Planning & Zoning Commission and the Board of Supervisors in making zoning decisions to manage growth. There will be no changes to the designated planning districts identified in the 2003 Gila County Comprehensive Plan. Robert Gould explained that he knows this was already brought before the Commission and it was recommended to go before the Board of Supervisors, but that was done prematurely. That was my error and after going back through the state law, the plan has to go through a 60-day review period. This was taken care of by sending the proposed amendment to surrounding counties, every city in the county, every state office, and asked for public comments before we have the public hearing. As of date, we have had one public comment from James Hill of Pine, AZ. Other than Mr. Hill, we have not received any other comments to date. It is important to keep in mind that a plan is never a regulation. A plan is just an articulating way to see the future vision of the area. The plan itself is not a regulatory tool for us to use. They have 11 issues that they have identified in their proposed plan that should be addressed, but I saw 3 issues that were included in the current Comprehensive Plan, but not included in the amended version, which include, Adequacy of Emergency Services, Fire Danger and Limited Private Land Base. They may see these as issues that don't need to be addressed any longer. Some possible implementation programs that were extracted from the plan, that I think need to be done, if the plan is adopted, are design review, water conservation, drainage plan, view corridors protection, underground utilities, landscaping, shared parking, noise ordinance, pedestrian and bicycle friendly, trail building, and right of way issues. My recommendation is to adopt the Comprehensive Plan and if you find that through the implementation process, you don't particularly like something, you can leave that out and not recommend that to the Board of Supervisors. Mickie Nye asked if the Commission had any questions for Robert Gould. Mary Lou Myers stated that this has been gone through several times before.

Public comment section opened. Darwin Huber, who resides in Pine, AZ and is currently a spokesman for the Pine-Strawberry Visioning Committee, which leads the effort for the revised area plan. We agree that this plan is not a regulatory tool, but a plan for guidance. An essential part of this plan is local input and local public awareness. By state law, it is required every 10 years to update the Comprehensive Plan. To the comment of "If it's not broken, then why fix it?" we argue that it is broken. The residents of Pine-Strawberry realize and accept that growth will occur. However, they have clearly stated that future development must maintain the charm and character of the community. The wants and desires of the revised plan are not that of the authors, but that of the residents of the community, who are quite clear of their desires. The 3 community issues that Robert Gould stated were in the current plan and not the revised plan, we believe are covered, just under a different section. Adequacy of Emergency Services is in the

"Preserve Character of the Community" section. Fire Danger is in the "Transportation" section. Limited Private Land Base is in the "Sustainable Building Practices" section. The bottom line, is after a 3 ½ year effort by the Pine-Strawberry Visioning Committee, along with public involvement, has produced a vision statement, which led to the formation to this revised plan. The Pine-Strawberry Visioning Committee and more importantly the clear majority of the citizens of Pine-Strawberry request and encourage the county to approve and adopt this revised area plan. Mickie Nye reiterated that if the Pine-Strawberry Visioning Committee truly wanted to control the issues that are brought up, you need to incorporate. If this passes today, we will accept this as a guide, but more importantly than using it as a guide, we absolutely have to follow the laws that are applicable to those who are coming into the community. Darwin Huber stated that he understands that, but when regulatory changes come about or new development comes in, it is important to remember that we have the local, meaning the Pine-Strawberry residents public awareness and involvement. Mickie Nye agreed with Mr. Huber. **Public comment section closed.**

Travis Holder motioned to approve agenda item number 6, CPA-17-02, Gila County, an application to amend the Gila County Comprehensive Plan by amending the narrative portion of the Plan for Pine-Strawberry, Arizona. Mary Lou Myers seconded the motion. The motion was unanimously approved.

Information/Discussion:

7. Revisions of Small Subdivisions (Bob Gould): Robert Gould stated that we adopted this small subdivision ordinance several years ago and we never had the chance to use it, until just recently. We have two small subdivisions that are in the process of developing a 10 lot and an 18 lot subdivision. As we were processing these, we found several issues of concern that we felt needed to be addressed. It was agreed that we should clean up our regulations to be more in line with the authority that has been granted to us by the state. First of all, don't call it a small subdivision ordinance, call it what it is, an expedited subdivision review. We also felt we should allow phasing as a given right instead of having them go through another process, so we added verbiage in there for that affect. We did also include required submittals, which is not in our current one. We also included some guidelines for Commission review and Board of Supervisors review. Also, under section 1103.00, for Design Standards, there was nothing listed there, so we added a section in that area. I also have deleted the Green Building Incentive because it won't stop someone from proceeding with this and it really doesn't help anyone either. In my opinion, it is just taking up space. Please keep in mind, I am not asking you to consider this today. I am asking you, to say yes, we want to amend this, so I can come back to you with a more complete report. Mickie Nye stated that he thinks we need to move forward with his suggestions. Travis Holder also stated that he thought it was a good idea. Randy Slapnicka stated that he thought the title of Article 11, should read, "Expedited Subdivision Review for 20 or less lots", so it would be clearer. Robert Gould agreed that it was a good suggestion. Mickie Nye asked Robert

Gould if it would be fair to suggest to you, that the Commission members submit their suggestions to him before the next meeting. Robert Gould stated that would be great, if they wanted to do that. Mary Lou Myers asked if there were any requests currently for subdivisions of this nature. Robert Gould stated that right now, we have 2 small subdivisions that are going through this process. We have Elk Rim Subdivision, in Pine, Arizona and we have Madera Peaks, in Globe, Arizona. Mickie Nye asked Robert Gould if there was a way to contact the developer to let them know that this subdivision is sorely needed and try to encourage them to move along a little faster than they are right now. Robert Gould stated that he had a meeting with them and some staff from Public Works a few weeks ago and they also emphasized that to us as well, so they are aware of it. I am not sure what the hold up is. I can assure you that it is not our department. I will express your desires to have this in front of you as soon as possible.

8. Robert Gould stated that this agenda item would not be here, if he had done his research, before it was put here. As I was doing my research, what I found was January of this year, a new state law had been acted and this law forbids us in regulating vacation rentals. It does state that of course, we can regulate nuisance issues pertaining to vacation rentals, but not vacation rentals themselves. Basically, we are not authorized by the state to regulate this. My apologies for putting this on the agenda. Randy Slapnicka stated that he thinks the vacation home rental business is exploding. To give you an example, 10 years ago, Home Away (Leading online vacation rental marketplace), only had Pine and Payson, but now they have more than 100 areas. I think we need to give this time to mature and see how we approach it.
9. **Adjournment.** Randy Slapnicka made a motion to adjourn the meeting and Mary Lou Myers seconded the motion. The Motion to adjourn was unanimously approved at 10:48 a.m.